

## **Worked examples: examples of how the links between the good food nation plans and specified functions might work in practice**

### **Example 1 – provision of food in schools**

1. We would expect the Scottish Ministers and local authorities good food nation plans to include a reference to responsibilities with regard to the provision of food in schools, potentially with reference to the requirements of the Education (Scotland) Act 1980<sup>1</sup>. The plans may also include a commitment to the provision of healthy, nutritious, sustainable and local (where possible) food in schools. The plans would be likely to include information on any ongoing or planned work to develop and improve the provision of food in schools, or related issues which might impact on these functions.

2. Secondary legislation setting out the detail of specified functions may include the provision of food in schools and also potentially a specific reference to sections 53 and 53A of the Education (Scotland) Act 1980<sup>2</sup>. These functions would be relevant to both the Scottish Ministers and local authorities. Any reference to functions around nutrition or sustainable development, i.e. in terms of sections 56A, 56C or 56E<sup>3</sup> of the Education (Scotland) Act 1980 would be relevant to local authorities. Specification of these functions (whether in general terms or specific legislation) as relevant functions would mean that in the exercise of these functions, the Scottish Ministers and local authorities, as appropriate, should have regard to their national good food nation plan.

3. In having regard to the national good food nation plan in carrying out their functions with regard to school food, the Scottish Ministers might consider, for example, their wider responsibilities with regard to the provision of food in the public sector and its contribution to the social/economic wellbeing of those affected by food poverty; or ongoing developments around procurement; or regard to the environment through the prevention of food waste; or policy around healthy eating and nutrition for young people. These are just examples and they are considerations we would already expect the Scottish Ministers to make in the development and delivery of policy on school food. The difference is that there would be a statutory requirement for Ministers to have considered the national good food nation plan – and therefore the wider policy environment – in the exercise of the functions.

4. Local authorities would have had regard to the Scottish Ministers' national good food nation plan when preparing their own good food nation plan. In having regard to their own good food nation plan when carrying out their functions with regard to school food, local authorities might consider, for example, their wider responsibilities with regard to the provision of food within the local authority area, or ongoing developments around food waste that might have relevance to the school environment, or relevant planning issues, for example in relation to food outlets near schools. Again, these are simply examples and they are considerations we would already expect local authorities to make in the development and delivery of services. For the first time, however, there would be a statutory requirement for local authorities to have considered the good food nation policy – and therefore the wider environment – in the exercise of the function.

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<sup>1</sup> 1980 c. 44.

<sup>2</sup> 53 and 53A are about the provision of school meals and the promotion of school lunches

<sup>3</sup> 56A, 56C and 56E are about the nutritional requirements, the need to have regard to guidance issued by the Scottish Ministers e.g regarding the application of principles of sustainable development

## **Example 2 – food-growing strategies**

5. We would expect the Scottish Minister's national good food nation plan to include a reference to responsibilities with regard to support for Grow Your Own activities including the provision of allotments, to encourage local and community growing and an understanding of where food comes from. This could include mention of the guidance provided to local authorities with regard to food-growing strategies under the terms of section 137<sup>4</sup> of the Community Empowerment (Scotland) Act 2015<sup>5</sup>. The guidance acknowledges that good food can have major impacts on health, environment and society and the benefits are enhanced when people are involved in growing their own food. Furthermore, growing spaces can also improve biodiversity and reduce the air miles of the food that we eat.

6. Similarly, we might expect local authorities to include in their good food nation plans information about (amongst other things) their approach to the growing and consumption of food by communities, disposal of waste and handling of excess produce e.g. from allotments. We would expect there to be a reference to their food-growing strategies, together with information on how these would be implemented and kept under review, in accordance with sections 119<sup>6</sup> and 120 of the Community Empowerment (Scotland) Act 2015.

7. Secondary legislation setting out the detail of specified functions could include a reference to support for community and local food growing and potentially specifically the provision of guidance to local authorities on food-growing strategies (in relation to allotments) and section 137 of the Community Empowerment (Scotland) Act 2015. This applies to the Scottish Ministers. Section 137 is not an obligatory function, in the sense that the Scottish Ministers may or may not provide guidance to local authorities. For local authorities, secondary legislation could also include a reference to support for community and local food growing and potentially a specific reference to sections 119 and 120 of the Community Empowerment (Scotland) Act 2015. Specification of these functions as relevant functions would mean that during the exercise of these functions, the Scottish Ministers and local authorities should have regard to their good food nation plans.

8. In having regard to the national good food nation plan in carrying out their responsibilities with regard to the function set out in the regulations, the Scottish Ministers might consider, for example, their wider responsibilities with regard to access to affordable, healthy, sustainable food (key aspects of the GFN policy) and whether there is any need for new or revised guidance for local authorities.

9. In having regard to their good food nation in carrying out their functions with regard to food-growing strategies, local authorities might consider, for example, their wider responsibilities with regard to food education within the local authority area and the educational benefits of allotments and community growing. They might consider the impact of local planning developments on the availability of land for food-growing and whether there is a need for joined up thinking in this area. These are examples of things local authorities might already be doing but the Bill would provide a statutory requirement to consider the

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<sup>4</sup> Section 137 is about guidance issued by Scottish Ministers about carrying out the functions conferred on local authorities

<sup>5</sup> 2015 asp 6.

<sup>6</sup> 119 and 120 are about the duty of local authorities to prepare a food growing strategy and the requirements for review of this strategy.

good food nation plan— and hence the wider policy and delivery environment - in the exercise of the function.